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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,922

03/28/2007

Carsten Detlefs

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31013

7590

07/26/2010

KRAMER LEVIN NAFTALIS & FRANKEL LLP
INTELLECTUAL PROPERTY DEPARTMENT
1177 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

07/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

klpatent@kramerlevin.com

Office Action Summary	Application No. 10/565,922	Applicant(s) DETLEFS ET AL.	
	Examiner Thomas J. Williams	Art Unit 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 3, 2010 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 8678 A1 to Gorge et al. in view of US 6,276,761 to Beck.

Re-claim 1, Gorge et al. teach a method for refilling service brake circuits, comprising: establishing (via valve 7) a pneumatic communication between intact service brake circuits (1a,

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1b, and/or 1c) of a plurality of compressed air consumer circuits (i.e. 1a-1c) of the vehicle compressed air system and at least one additional compressed air consumer circuit 9 having a compressed air reservoir (see reservoir associated with circuit 9), the reservoir has a pressure greater than the service brake circuit (due to the presence of pressure reducing valve 6), the plurality of compressed air consumer circuits (1a-1c) have actuatable valves 2 that are open in a de-energized normal state. Multi-circle valve or multiway protection valve 2 is said to be closed when one of the air consumer circuits experience an unexpected drop in pressure (see paragraph 9 of the translation, wherein it states that valve 2 will interrupt the supply line to the circuit in question, thus implying the line must be normally open). However, Gorge et al. fail to teach the valve 2 being an electrically actuatable valve.

Beck teaches electrically actuatable valves 21-26 placed within a supply line of a compressed air consumer circuit. The use of electrically actuatable valves allows for remote control as well as control by an electronic control unit of a vehicle brake system, thus the system may react sooner to changing conditions, such as unexpected pressure drops. It would have been obvious to one of ordinary skill in the art to have provided the actuatable valves 2 of Gorge et al. with electrically responsive operation as taught by Beck, thus providing valves with quicker operation as well remote operation capability.

Re-claims 2-4 and 12, a pressure level is monitored by the system for loss of pressure conditions. The actuatable valves are operated accordingly.

Re-claims 5 and 11, Gorge et al. teach a system for refilling service-brake circuits, comprising: a compressor 4, a plurality of compressed air consumer circuits 1a-1c and 9 which include service brake circuits 1a-1c and at least one additional compressed air consumer circuit

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9, the circuits are provided with compressed air reservoirs, actuatable valves 2 and 7 are provided in the circuits, sensors 8 monitor pressure in the compressed air consumer circuits (pressure is monitored within the service brake circuits, see translation), a control unit (not shown) evaluates the signals and controls valve 2 accordingly (such as disconnecting a circuit having unexpected pressure loss, see translation), valve 7 is closed in the de-energized normal state, the remaining valves are open in the de-energized normal state, the control unit monitors pressure values of the service brake circuits, when a low pressure condition presents itself the circuit in question is disconnected from the supply line, whereupon valve 7 is opened to recharge the other brake circuits. However, Gorge et al. fails to the control unit being an electronic control unit and the valves being specifically electrically actuatable valves controlled by the ECU to recharge the service brake circuits.

Beck teaches electrically actuatable valves 21-26 placed within a supply line of a compressed air consumer circuit. The use of electrically actuatable valves allows for remote control as well as control by an electronic control unit of a vehicle brake system, thus the system may react sooner to changing conditions, such as unexpected pressure drops. It would have been obvious to one of ordinary skill in the art to have provided the actuatable valves 2 of Gorge et al. with electrically responsive operation as taught by Beck, thus providing valves with quicker operation as well remote operation capability.

Re-claims 6, 9, 10 and 13, s pressure value is used to control the respective valves, and is interpreted as a variable of state.

Re-claim 7, the pressure level reservoir 9 is higher than the normal pressure level of reservoirs 1a-1c, note the presence of pressure reducer valve 6.

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Re-claim 8, a common compressed air distributor line from the compressor 4 communicates with all the compressed air consumer circuits, see figure.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/
Primary Examiner, Art Unit 3657

July 21, 2010